

### **REMARKS**

Claims 1-20 are pending. Claims 1-14 have been amended. No new matter has been added. Applicants reserve the right to pursue the deleted subject matter of any of the amended claims in one or more divisional, continuation, or continuation-in-part applications.

### **Objection**

The Examiner has objected to the Abstract in the instant specification. Applicants have amended the Abstract and thus request withdrawal of the objection.

### **Rejections Under 35 U.S.C. §112**

Claims 1-20 are rejected under 35 U.S.C §112, first paragraph because the specification allegedly does not enable the full scope of the claims. Applicants respectfully disagree.

The Examiner contends that the specification enables pharmaceutically acceptable salts and esters of the claimed compounds but not prodrugs. Solely to further prosecution, Applicants have amended the claims to delete the reference to prodrugs thus obviating the rejection.

Claims 11-14 are rejected under 35 U.S.C. §112, first paragraph because the specification allegedly does not enable the full scope of the claims. Applicants respectfully disagree.

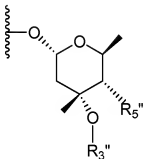
The Examiner contends that the specification enables the use of the compounds of the invention to treat bacterial infections but not to prevent infections. Solely to further prosecution, Applicants have amended the claims to delete the reference to preventing infections thus obviating the rejection.

In view of the foregoing, Applicants respectfully request withdrawal of the rejections under §112.

**Rejection Under 35 U.S.C. § 102**

Claims 1-7, 10, 12-13 and 15-20 are rejected under 35 U.S.C. §102(a) as being anticipated by US Patent 6,645,941 (hereafter “Wang”). Applicants respectfully disagree.

Applicants contend that the claimed compounds are not identical to those in Wang. Applicants point to the definition of “Y” where it can be seen that the term can include the following structure (see ix)



“A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference.” In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994)

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under §102.

**Rejection Under 35 U.S.C. § 103**

Claims 8, 9, 11 and 14 are rejected under 35 U.S.C. §103(a) as being obvious over Wang. Applicants respectfully disagree.

Wang discloses a large number of compounds. There is no suggestion to pick the particular compounds claimed by Applicants.

In determining obviousness, “the inquiry is not whether each element existed in prior art, but whether the prior art made obvious the invention as a whole for which patentability is claimed.” Hartness International Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 2 U.S.P.Q. 2d 1826 (Fed. Cir. 1987).

In view of the foregoing, Applicants respectfully request withdrawal of the rejection under §103.

**Conclusion**

It is believed that the claims now pending are in condition for allowance. Favorable action by the Examiner is earnestly requested.

**Authorization**

No fee is believed to be due. However, the Commissioner is hereby authorized to charge any fees which may be required for consideration of this Amendment to deposit account 13-2755.

Respectfully submitted,

Dated: August 6, 2009 By: /Melissa B. Wenk Reg. No. 53,759/  
Melissa B. Wenk  
Reg. No. 53,759  
Attorney for Applicants

**Correspondence Address:**  
Merck & Co., Inc.  
P.O. Box 2000  
Rahway, NJ 07065-0907  
(732) 594-2756 Telephone  
(732) 594-7790 Facsimile